



General Assembly

January Session, 2009

Raised Bill No. 6563

LCO No. 4018

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Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) For the purposes of
2 sections 2 to 8, inclusive, of this act and section 10 of this act, "law
3 enforcement agency" means the Division of State Police within the
4 Department of Public Safety or any municipal police department.

5 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A law enforcement
6 agency shall accept without delay any report of a missing person.

7 (b) No law enforcement agency may refuse to accept a missing
8 person report on the basis that:

9 (1) The missing person is an adult;

10 (2) The circumstances do not indicate foul play;

11 (3) The missing person has been missing for a short period of time;

12 (4) The missing person has been missing for a long period of time;

13 (5) There is no indication that the missing person was in the
14 jurisdiction served by the law enforcement agency at the time of the
15 disappearance;

16 (6) The circumstances suggest that the disappearance may be
17 voluntary;

18 (7) The person reporting does not have personal knowledge of the
19 facts;

20 (8) The person reporting cannot provide all of the information
21 requested by the law enforcement agency; or

22 (9) The person reporting lacks a familial or other relationship with
23 the missing person.

24 (c) No law enforcement agency may refuse to accept a missing
25 person report for any reason except where the law enforcement agency
26 has direct knowledge that the person is, in fact, not missing and the
27 exact whereabouts and welfare of the person are known to the agency
28 at the time the report is being made.

29 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) The law enforcement
30 agency shall notify the person making the report, a family member or
31 any other person in a position to assist the law enforcement agency in
32 its efforts to locate the missing person by providing to that person or
33 family member:

34 (1) General information about the handling of the missing person
35 case or about intended efforts in the case to the extent that the law
36 enforcement agency determines that disclosure would not adversely
37 affect its ability to locate or protect the missing person or to apprehend
38 or prosecute any person criminally involved in the disappearance; and

39 (2) Information advising the person making the report and other
40 involved persons that if the missing person remains missing, they
41 should contact the law enforcement agency to provide additional

42 information and materials that will aid in locating the missing person,
43 such as any credit or debit cards the missing person has access to,
44 other banking or financial information and any records of cellular
45 telephone use.

46 (b) In those cases where DNA samples are requested, the law
47 enforcement agency shall notify the person or family member that all
48 such DNA samples are provided on a voluntary basis and shall be
49 used solely to help locate or identify the missing person and shall not
50 be used for any other purpose.

51 (c) The law enforcement agency, upon acceptance of a missing
52 person report, shall inform the person filing the report that there are
53 two clearinghouses for missing persons' information. If the person
54 reported missing is seventeen years of age or under, the person filing
55 the report shall be provided with contact information for the National
56 Center for Missing and Exploited Children. If the person reported
57 missing is eighteen years of age or older, the person filing the report
58 shall be provided with contact information for the National Center for
59 Missing Adults.

60 (d) If the person identified in the missing person report remains
61 missing for thirty days, and the additional information and materials
62 specified in subdivisions (1) to (4), inclusive, of this subsection have
63 not been received, the law enforcement agency shall attempt to obtain:

64 (1) DNA samples from family members and, if possible, from the
65 missing person, along with any needed documentation, including any
66 consent forms, required for the use of state or federal DNA databases;

67 (2) Dental information and x-rays of the missing person, and an
68 authorization to release dental or skeletal x-rays of the missing person;

69 (3) Any additional photographs of the missing person that may aid
70 the investigation or an identification; and

71 (4) Fingerprints of the missing person.

72 (e) The law enforcement agency shall not be required to obtain
73 written authorization before it releases publicly any photograph that
74 may aid in the investigation or identification of the missing person.

75 (f) All DNA samples obtained in a missing person case shall be
76 immediately forwarded to the Division of Scientific Services within the
77 Department of Public Safety for analysis. The division shall establish
78 procedures for determining how to prioritize analysis of the samples
79 relating to missing persons cases.

80 (g) The law enforcement agency shall enter information relevant to
81 the Federal Bureau of Investigation's Violent Criminal Apprehension
82 Program as soon as possible.

83 (h) Nothing in this section shall be construed to preclude a law
84 enforcement agency from obtaining any of the materials identified in
85 this section before the thirtieth day following the filing of the missing
86 person report.

87 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this
88 section and sections 5 to 7, inclusive, of this act, "high risk missing
89 person" means a person whose whereabouts are not currently known
90 and the circumstances indicate that the person may be at risk of injury
91 or death.

92 (b) The circumstances that indicate that a person is a high risk
93 missing person include, but are not limited to, any of the following:

94 (1) The person is missing as a result of an abduction by a stranger;

95 (2) The person is missing under suspicious circumstances;

96 (3) The person is missing under unknown circumstances;

97 (4) The person is missing under known dangerous circumstances;

98 (5) The person is missing more than thirty days;

99 (6) The person has already been designated as a high risk missing
100 person by another law enforcement agency;

101 (7) There is evidence that the person is at risk because:

102 (A) The person is in need of medical attention or prescription
103 medication;

104 (B) The person does not have a pattern of running away or
105 disappearing;

106 (C) The person may have been abducted by a noncustodial parent;

107 (D) The person is mentally impaired;

108 (E) The person is under twenty-one years of age; or

109 (F) The person has been the subject of past threats or acts of
110 violence; or

111 (8) Any other factor that may, in the judgment of the chief of the law
112 enforcement agency receiving the missing person report, indicate that
113 the person may be at risk.

114 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) Upon the initial receipt of
115 a missing person report, a law enforcement agency shall seek to
116 determine whether the person reported missing is a high risk missing
117 person.

118 (b) A finding that a person reported missing is not a high risk
119 missing person shall not preclude a later determination, based on
120 further investigation or the discovery of additional information, that
121 the missing person is a high risk missing person.

122 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) Whenever a law
123 enforcement agency determines that a missing person is a high risk
124 missing person, it shall notify the unit of the Division of State Police
125 within the Department of Public Safety that investigates missing

126 persons. The law enforcement agency shall immediately provide the
127 unit with the information that is most likely to aid in the location and
128 safe return of the high risk missing person. As soon as practicable, the
129 law enforcement agency shall provide all other information obtained
130 relating to the missing person case to the unit.

131 (b) The Division of State Police within the Department of Public
132 Safety shall, when deemed appropriate and likely to facilitate a
133 resolution to a particular missing person report, activate the
134 emergency alert system that broadcasts or disseminates information
135 concerning the abduction of a child.

136 (c) The unit of the Division of State Police within the Department of
137 Public Safety that investigates missing persons shall promptly notify
138 the Chief Medical Examiner, all law enforcement agencies within the
139 state and, if deemed appropriate, law enforcement agencies in adjacent
140 states or jurisdictions of the information that may aid in the prompt
141 location and safe return of the high risk missing person including, but
142 not limited to, a request to use thermal imaging equipment possessed
143 by such law enforcement agency.

144 (d) Local law enforcement agencies that receive notification from
145 said unit pursuant to subsection (c) of this section shall forward such
146 information immediately to its officers and members, including, but
147 not limited to, at roll call.

148 Sec. 7. (NEW) (*Effective October 1, 2009*) (a) The unit of the Division
149 of State Police within the Department of Public Safety that investigates
150 missing persons shall, as appropriate, enter all collected information
151 relating to the missing person case to applicable federal databases. The
152 information shall be provided in accordance with applicable
153 guidelines relating to the databases, as follows:

154 (1) A missing person report, and relevant information, in a high risk
155 missing person case shall be entered in the National Crime
156 Information Center database immediately, but not later than two hours

157 after the determination that the missing person is a high risk missing
158 person.

159 (2) A missing person report, and relevant information, in a case not
160 involving a high risk missing person shall be entered in the National
161 Crime Information Center database not later than twenty-four hours
162 after the initial filing of the missing person report.

163 (3) All DNA profiles shall be uploaded into the missing persons
164 database of the Division of Scientific Services of the Department of
165 Public Safety and all appropriate and suitable federal database
166 systems.

167 (4) Information relevant to the Federal Bureau of Investigation's
168 Violent Criminal Apprehension Program shall be entered as soon as
169 practicable.

170 (b) All due care shall be given to ensure that the data, particularly
171 medical and dental records, entered in state and federal databases is
172 accurate and, to the greatest extent possible, complete.

173 Sec. 8. (NEW) (*Effective October 1, 2009*) (a) The Police Officer
174 Standards and Training Council shall provide information to local law
175 enforcement agencies about best practices and protocols for handling
176 death scene investigations.

177 (b) The Police Officer Standards and Training Council shall identify
178 any publications or training opportunities that may be available to
179 local law enforcement officers concerning the handling of death scene
180 investigations.

181 Sec. 9. (NEW) (*Effective October 1, 2009*) (a) After performing any
182 death scene investigation, as deemed appropriate under the
183 circumstances, the official with custody of the human remains shall
184 ensure that the human remains are delivered to the Office of the Chief
185 Medical Examiner.

186 (b) The Chief Medical Examiner shall make reasonable attempts to
187 promptly identify human remains. These actions may include, but are
188 not limited to, obtaining:

189 (1) Photographs of the human remains;

190 (2) Dental or skeletal x-rays;

191 (3) Photographs of items found with the human remains;

192 (4) Fingerprints from the human remains, if possible;

193 (5) Samples of tissue suitable for DNA typing, if possible;

194 (6) Samples of whole bone or hair suitable for DNA typing; and

195 (7) Any other information that may support identification efforts.

196 (c) No person shall dispose of or engage in actions that will
197 materially affect the unidentified human remains before the Chief
198 Medical Examiner obtains (1) samples suitable for DNA identification,
199 and (2) photographs of the unidentified human remains, and all other
200 appropriate steps for identification have been exhausted.

201 (d) Unidentified human remains shall not be cremated.

202 (e) The Chief Medical Examiner shall make reasonable efforts to
203 obtain prompt DNA analysis of biological samples if the human
204 remains have not been identified by other means within thirty days.

205 (f) The Chief Medical Examiner shall seek support from appropriate
206 state and federal agencies to assist in the identification of unidentified
207 human remains. Such assistance may include, but not be limited to,
208 available mitochondrial or nuclear DNA testing, federal grants for
209 DNA testing or federal grants for crime laboratory or medical
210 examiner office improvement.

211 (g) The Chief Medical Examiner shall promptly enter information in

212 state and federal databases that may aid in the identification of a
213 missing person. Information shall be entered into federal databases as
214 follows:

215 (1) Information for the National Crime Information Center shall be
216 entered within twenty-four hours;

217 (2) DNA profiles and information shall be entered into the National
218 DNA Index System within five business days after the completion of
219 the DNA analysis and procedures necessary for the entry of the DNA
220 profile; and

221 (3) Information sought by the Violent Criminal Apprehension
222 Program database shall be entered as soon as practicable.

223 (h) Nothing in this section shall be construed to preclude the Office
224 of the Chief Medical Examiner or a law enforcement agency from
225 taking other actions to facilitate the identification of unidentified
226 human remains including efforts to publicize information, descriptions
227 or photographs that may aid in the identification of the unidentified
228 human remains, including allowing family members to identify a
229 missing person, provided, in taking these actions, all due consideration
230 shall be given to protect the dignity and well-being of the missing
231 person and the family of the missing person.

232 Sec. 10. (NEW) (*Effective October 1, 2009*) Agencies handling the
233 remains identified to be those of a missing person shall notify the law
234 enforcement agency handling the missing person's case. Documented
235 efforts shall be made to locate family members of the deceased person
236 to inform them of the death and location of the remains of their family
237 member.

238 Sec. 11. Section 7-294o of the general statutes is repealed and the
239 following is substituted in lieu thereof (*Effective October 1, 2009*):

240 (a) Not later than January 1, 2008, the Police Officer Standards and
241 Training Council shall develop and implement a policy concerning the

242 acceptance of missing person reports by law enforcement agencies in
 243 this state and such agencies' response thereto. Such policy shall
 244 include, but not be limited to, (1) guidelines for the acceptance of a
 245 missing person report, (2) the types of information that a law
 246 enforcement agency should seek to ascertain and record concerning
 247 the missing person that would aid in locating the missing person, (3)
 248 the circumstances that indicate that a missing person is a high risk
 249 missing person, (4) the types of information that a law enforcement
 250 agency should provide to the person making the missing person
 251 report, a family member or any other person in a position to assist the
 252 law enforcement agency in its efforts to locate the missing person, and
 253 (5) the responsibilities of a law enforcement agency in responding to a
 254 missing person report and the manner of such response, including
 255 preferred methods of response that are sensitive to the emotions of the
 256 person making such report. The council shall create a disc or other
 257 software that police officers may access while in a police motor vehicle
 258 that contains step-by-step instructions to follow upon receipt of a
 259 report of a missing person.

260 (b) Each police basic or review training program conducted or
 261 administered by the Division of State Police within the Department of
 262 Public Safety, the Police Officer Standards and Training Council or a
 263 municipal police department in the state shall include training in the
 264 policy developed pursuant to subsection (a) of this section and training
 265 in the use of the National Missing and Unidentified Persons System
 266 created by the Office of Justice Program's National Institute of Justice.

267 Sec. 12. Sections 29-1e and 29-1f of the general statutes are repealed.
 268 *(Effective October 1, 2009)*

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section

Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	New section
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	New section
Sec. 10	<i>October 1, 2009</i>	New section
Sec. 11	<i>October 1, 2009</i>	7-294o
Sec. 12	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To adopt a model missing persons act and thereby improve the ability of law enforcement agencies to locate and return missing persons, and improve the identification of human remains and improve timely information and notification to the family members of missing persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]